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FORMAL RATIFICATIONS OF THE TREATY EXCHANGED AT CHE-FOO.

CHINA BY WHICH SHE IS TO BUILD RAIL-

ROADS TO BROUGHTON BAY AND NEW-

CHWANG-THE POWERS DISCUSS

ING JAPAN'S EQUIVALENT FOR GIVING UP THE

LIAU-TONG PE-

London, May 8 .- "The Morning Post" is in-

formed from Shanghai that ratifications of the peace treaty between Japan and China were exchanged at Che-Foo to-day.

United Press correspondent in St. Petersburg learns from a high source that Russia has a separate understanding with China. This understanding does not cede Manchuria territory wholly to Russia, but it places it under Russian control to the extent of allowing Russia, when so disposed, to prolong the Siberian Railroad from Nertschinsk through the valleys of the Nonni and Sungari, in the Kirin Province, to Broughton May, on the Sea of Japan. China has also agreed to let Russia build a branch railroad

from Kirin City to New-Chwang. The Central News correspondent in Tokio says: At China's urgent request to-day, Japan agreed to prolong the armistics five days, owing to the delay in the exchange of ratifications. Later the difficulty was adjusted, and China informed Japan that she was ready for an immediate ex-

Paris, May 8.-The "Temps" has this dispatch from its correspondent in St. Petersburg:

The question of Japan's equivalent for the Liau-Tong territory which she gave up is the subject of active negot ations among the Powers. There is every reason to hope it will be settled

Washington, May 8 .- Admiral Carpenter has nearly all the vessels of his Asiatic Squadron turned toward the scene of treaty ratifications to-day, in addition to the five vessels which to-day, in addition to the five vessels which were moving in that direction yesterday morning. The Concord satled from Amoy last night for Che-Foo, where she will arrive with the Yorktown, which left Shanghai for the same destination on Monday. While it is improbable that the United States squadron will find anything to do around the Guif of Pe-Chi-Li at present, the Admiral deems it wise to be prepared for emergencies, and of the eight vessels under his command he will have seven at Che-Foo by the end of the week.

CHOLERA ON JAPANESE TRANSPORTS. THE DISEASE SAID TO BE EPIDEMIC ON THE

SHIPS AT TALIEN-WAY. London, May 8 .- "The Times" correspondent in Kobe says that cholera is epidemic on the Japanese transports at Tallen-Wan. More than half the ves-sels of the original Chi-Li expedition are infected.

HAS JAPAN BACKED DOWN? IT IS NOT BELIEVED IN WASHINGTON THAT SHE HAS ABANDONED ALL CONTROL OF THE LIAU-TONG PENINSULA,

Washington, May 8 .- All advices received here continue to throw doubt on the statements made by European newspapers that Japan has backed down at the last moment and modified the provisions of the treaty entered into with China. The conflict of statements is absolutely irrecon-Unofficial advices, but which are regarded as entirely trustworthy, received from Japan give the definite terms of peace agreed on by the plenipotentiaries on the part of China and Japan at Simonoseki a month ago. They are as follows: The independence of Corea; the as follows: The independence of colors cossion of Formosa to Japan; an indemnity of 200,000,000 taels; the occupation of Port Arthur and the peninsula of the Regent's Sword; the opening of new Chinese ports to trade, etc.

The regression occupation of Manchuria, on

The permanent occupation of Manchuria, on which Japan at first insisted, was abandoned before the treaty was signed, and Japan also consented to a reduction in the amount of the war indemaity. These concessions were influenced largely by the attempted assassination of Li Hung Chang, and were made as an expect of

fluenced largely by the attempted assassination of Li Hung Chang, and were made as an earnest of Japan's regret for the assault on him.

It is still asserted that Japan has not re-linquished her right to occupy a certain part of China's territory notwithstanding the aggres-sive attitude of Russia, France and Germany. As stated in United Press dispatches several days ago, Japan has agreed to make certain concessions regarding her control of the Liau-Tong Peninsula, but that she has agreed to re-nounce all control over this territory is not all control over this territory is no

There is said to be a probability that Count Incre is said to be a probability that country that may resign the Premiership as a result of the moderate concessions heretofore reported. An absolute backdown on the part of Japan would endanger the domestic security of the Empire.

#### PHILADELPHIA TO BE INVESTIGATED.

THE PENROSE RESOLUTION ADOPTED-PITTSBURG ANNEXATION BILLS BECOME LAWS.

Harrisburg, Penn., May 8.-In the Senate this morning the Penrose resolution to investigate the affairs of Philadelphia was adopted by a viva voce vote, the only vote in the negative being that of Senator Osbourne, of Philadelphia. Lieutenant-Governor Lyon announced the following Senators to be the members of the Investigating Committee: Senators Andrews, Grady, Kennedy, McCarrell, Hardenburgh and President Pro Tem.

amend one of the Greater Pittsburg bills, which had been recalled from the Governor. Through an error the bill as passed authorized cities of the second class to be annexed to cities of the second class, instead of third-class cities to sec-ond-class ones. The amendment was made. Governor Hastings this afternoon approved all the Greater Pittsburg bills.

# LOST WITH ALL ON BOARD.

Gloucester, Mass., May &-The schooner Mildred V. Lee was officially given up by her owners to fishing trip to the Grand Banks, January 20. Since that time she has not been heard from, and it is supposed she was lost in the great storm of February 8, as wreckage picked up in the vicinity of Sable Island about that time by the schoner Henry M. Stanley was identified as belonging to her. whole fleet, and was manned by a crew of elxteer men. Captain William T. Lee was one of Gloucesmen. Captain Whilain T. Lee was one of Glouces-ter's foremost skippers. He belonged in Edge-comb, Me., and leaves a family here. The crew be-longed mainly in the Maritime Previnces. The ves-sel was owned by Gardiner & Parsons and the master, and was valued at about 19,599, with out-fits, with an incurance of 18,500 in the Boston Ma-rine Insurance Company. This makes a total of seventy-nine fishermen lost from this port since November 1, 1894.

CHARLES F. WILSON SENTENCED TO DIE. Syracuse, N. Y., May 8.-Justice Wright this morning sentenced Charles F. Wilson to be killed of Detective James Harvey. For this crime his brother, Lucius Wilson, has already suffered death in the electric chair, and the Court of Appeals has affirmed the judgment of conviction in the case of Charles Wilson. His only hope now is to influence Governor Morton for a commutation to life im-prisonment, upon the ground that the decision of the Appellate Court was by a divided vote.

POLICE REORGANIZATION IN CHICAGO.

Chicago, May 8.—A general order from Chief of Police Badenock last night disposed of at least 500 policemen. The order affects all patrolmen from the first class down to the substitutes. Fifteen detectives from the Central Office are discharged. Every precinct in the city suffered. The Chief declared, after the list was given out, that the man's personal record was consulted much more than the reports of the inspectors of the various districts, and it was simply a question of the fitness of the men. The order created much excitement in the Police Department. The order for the relief the men of various officers on half-pay will come out in about a week.

## JAPAN AND CHINA AT PEACE PASSENGERS BADLY SCARED.

A BIG SPLASH IN THE WATER ASTERN OF THE AL FOSTER.

FROM SANDY HOOK CAME NEAR SINKING HER - CAPTAIN FOSTER'S AC-

COUNT OF THE INCIDENT. The Al Foster is a twin-screw, double-decked steamer that goes down to the fishing banks daily through the season with a jolly load of men and some women and children. Yesterday afternoon she had a narrow escape from being sunk by a grounds at Sandy Hook.

Captain Foster was in charge of the boat, and had with him Pilot "Charlie" Clarke. Here is the captain's story: "We put out early yesterday morning, and had at least 150 people of all sorts on board, and when we got off the Scotland Lightship anchored and began fishing. Those who had come out were not disappointed with the sport they had, and we started home a little before 4 o'clock. I was in the pilot-house with Clarke about 4:35 p. m., when we were passing Sandy Hook. We were a good two miles out from the shore when a thundering great piece of something churned up the water not fifty feet from our stern, churned up the water not fifty feet from our stein, throwing up a great shower of spray and actually making the ship lurch fore and aft. The next minute we heard the boom of a great gun, and some of the passengers, scared nearly to death, came rushing up, saying a shell had missed the ship, some said by only a few inches; but a conservative estimate places it at fifty feet. I tell you I was scared. I did not know where the next shell might fall, and I told the engineer to put on all possible steam, and we were soon out of the ssible steam, and we were soon out of the

been from a mortar, for it sunk plumb into the sea, and did no ricocheting."

The passengers, who landed at the Battery at 5:20 o'clock, had the wildest stories to tell about the narrow escape they had had. Some said that the stern was lifted clear out of the water, and the estimates of how near the shell came to the steamer varied from an inch to 100 feet.

At Governor's Island nothing could be learned about the gun practice yesterday at Sandy Hook, as Captain Heath, of the Ordnance Department, in charge of the experiments, had not returned to his ounteres there last night.

his quarters there last night.

#### A CASE OF OVER-SMARTNESS

"THE ARGUS" TRIES SOME OF ITS OLD-TIME METHODS OF GETTING

PATRONAGE.

BUT IT FINDS IT IS NO LONGER DEALING WITH THE HILL-MURPHY MACHINE-THIS TIME

BE TESTED IN COURT. [BY TELEGRAPH TO THE TRIBUNE.] Albany, May 8.—The contest for the legislative

printing for 1826, which has been going on here in more or less spirited manner for several days. will come up for settlement before Judge La in the Supreme Court, to-morrow morning. It was taken into court by "The Argus" Company, one of the bidders for the work. its manager, William McMurtrie Speer, obtained what purported to be a mandamus from Judge Herrick last Saturday to compel the board of State officers, which consists of the Controller, Attorney-Jeneral and Secretary of State, to award it the tract, on the ground that it was the lowest bidder Phis application was based upon an extraordinary affidavit of Mr. Speer to the effect that the board had met and refused to award the contract to Argus," although, as he asserted, it was indisputa-

As a matter of fact there had been no meeting of the board, the bids having been simply opened by deputies, and the matter adjourned in order to make he necessary and somewhat involved computations required to ascertain the relative positions of bidiers. Mr. Speer's affidavit was, therefore, a mis statement, and his application a case of pure efthoroughly characterist So premature were his proceeding that his papers when Tammany was intrenched in Albany, obtained many a fat printing contract. The scandal con-nected with the last award made by Secretary of State Rice and Controller Campbell, under the distation of David B. Hill, will still be fresh in recollection. Unfortunately for "The Argus," the present Attorney-General, Mr. Hancock, and Controller, Mr.

lection. Unfortunately for "The Argus," the present Attorney-General, Mr. Hancock, and Controller, Mr. Roberts, are not men to be intimidated or swerved from their duty. An appearance was promptly made in behalf of the State, and as a condition of allowing their defective papers to be amended into presentable legal form, "The Argus" Company was compelled to proceed to an immediate reference and settlement of the disputed questions.

Mr. Speer had undoubtedly calculated upon a long delay, and the consequent injury to the interests of the State by the non-award of the contract until well into the next legislative year, but the prompt proceedings of the Attorney-General and the Controller in forcing him into court at once has frustroller in forcing him into court at once has frustrated this plan. "The Argus" will, therefore, be chinged to-morrow to meet the matter equately on its merits, and as its bid is notoriously defective, and has all the objectionable features of the unbulanced system, there is little doubt that this last effort of the Hill-Murphy organ, to extort support from the State will be defected.

A supprising feature of the situation, however, and one which is causing much talk in Republican circles here, is the attitude of Secretary of State Palmer. He has, apparently in advance of the action of the board of which he is a member, an nounced himself as an active partisan in hehalf of "The Argus," and has taken occasion, both publicly and privately, to indicate his purpose to award the contract to that Democratic organ. He gave to this morning's "Argus," an exclusive infimation, apparently exercilly prepared, of his intentions; and equally significant is the fact that Cierks in his office are publicly offering to bet that "The Argus," will be successful in the contest. Whatever may be Mr. Palmer's well-known admiration and personal friendship for Senator Hill, it can haraly be considered dignified in a Republican State official thus to prejudice in advance a matter of such Importance to the State.

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#### TROUBLES AT ILLINOIS STEEL WORKS.

A MOR IN CHICAGO PUT TO PLIGHT BY POLICE MEN-FURNACES BLOWN OUT.

Chleago, May 8.—Although the expected attack of strikers on the lilinois Steel Co. did not take place to-day, the day was not without excitement. A mob of strikers and sympathizers attacked a policeman and were in turn attacked by a squad of officers and put to flight after one man had been wounded and the victim of the mob badly beaten. The riot took place at Eighty-fourth-st, and Mackinaw-ave., at II o'clock this morning. Policeman Joseph McCaffery attempted to arrest Peter-son, who was drunk and making an inflammatory speech to a little knot of strikers who had gathered by magic, and the officer was soon surrounded by a mob of nearly 20, who knocked him down, kicked and stoned him, and would have killed him had and stoned him, and would have kined him had not fellow-officers arrived and by firing a couple of shots in the air dispersed them. A riot call was at once sent in, and several wagonloads of policemen came to the scene. McCaffery was not seriously hurt, though his head was badly cut. It was reported that Peterson had been shot in the head, but he says the wound he has there was made by a cobblestone, which grazed his skull, and not by a bullet.

he says the wound he has there are cobblestone, which grazed his skull, and not by a builet.

It was quiet at the works all day. In the afternoon the furnaces were blown out and only the open hearth and plate mill now remain open, about 60 men being employed in them. It is said the company will make an effort to put in new men to-morrow, but this is denied by the officers. If they do, trouble is almost sure to come.

The ringleaders in yesterday's riot were arraigned in court this morning, and held in 580 bonds each. A score of others were nned from 33 to 520 each. A number of strikers gained admission to the grounds this morning in a rowboat.

A dispatch from Jollet says: "The switchmen, engineers and firemen and ingot men of the Illinois Steel Works in this city are on strike for higher wages, with nearly 1,500 men out. The ingot men, who are receiving \$150 for twelve hours' work, want \$150; the engineers want their wages raised from \$2.32 to \$2.05 (the firemen, who are getting \$1.50, demand \$1.55, and the switchmen want a raise from \$1.50 to \$1.80. The repair shop, blast furnaces, machine shops, foundries, blacksmith and boiler shops and carpenter shops are all in operation, but it is expected that the entire plant will have to close by the latter part of the week."

#### A MARTYR TO SCIENCE.

CONSUMPTION.

THE SPUTUM OF PERSONS HIS REPUTATION AS A BACTERIOLOGIST AND HIS SERVICES DURING THE CHOLERA "SCARE."

bacteriologist through valuable service which he performed as a member of the Quarantine Staff, died at noon yesterlay in the New-York Hospital from tuber ular consumption, age ! markable because he contracted the disease while he was studying the tuberculosis bacteria in the Loomis Laboratory. He was the first to make the discovery that he he had contracted the dis-

1861. After his graduation at college there he

went to Naples, Italy, where he received his Paris. He studied for several years in the Paris | Saxton said to-day; Bacteriological Laboratory, Dr. Byron then came to New-York, where, for several years, he asto Health Officer Jenkins. He rendered great and children continued to live there when he was attending to cholera patients on Swinburne Island. Although he continued to be the barcholera "scare" had passed, he spent much of his his political importance. time at the Loomis Laboratory, and lived with pounds. His skill in the use of the microand in the development and study of bacilli was well known to most of the physicians in the city, and he was frequently asked to make bacterio-

sumption that he contracted the fatal disease. It and allowed the samples of sputum to become dry. In that way he had inhaled the bacteria of

in February of last year Dr. Byron began | deal on the two measures?"

nights were restless. The death of one of his children soon after his return to the city had a depressing effect upon him, and he gradually seemed to lose hope that he would recover. During the winter he remained in his home nearly all the time, visited frequently by physicians of the Health Department, who were his firm friends. He had been advised repeatedly to go to the dry regions of California or Calorado, but while he admitted that his life might be protonged by a stay in such climate, he kept putting off his preparations for a journer. Last week he and his family moved from the flat in Fifteenth-st. to No. 195 Second-ave, and he said then that he would go to California as non as his family had been settled in the new home.

On Seturday Dr. Byron was attacked with dangerous hemogrhane of the lungs, and he thought his death might occur immediately. He was removed in an ambuliance to the New-York Hospital, where his condition seemed to improve slightly. Another hemogrhage occurred yesterday morning, however, and the physicians at the hospital saw that his end was near. His wife was at his bedside when he died. She had his hody removed by an undertaker in the afternoon.

## SAVED BY A WOMAN.

SHE PLUNGES INTO THE WATER AND RESCUES A CHILD FROM DROWNING.

Mrs. Gordon de Young and Mrs. James Weathers ey, who live in Linden ave., on the shore of New-York Bay, at Jersey City, on Tuestay afternoon Club, which had just been placed in position. They were accompanied by Mrs. Weathersley's seven-year-old son. The boy, white playing at the end

The mother seemed paralyzed from fear, but Mrs. de Young, who fortunately is an expert ewimmer, plunged in and rescued the boy, she formerly fived on Staten Island, and while bying there rescued two other persons from drowning.

### STILL WITHOUT A SENATOR.

DESCRIPT THERE OLD CANDIDATES, BUT THE DEADLOCK REMAINS UNDERSKEN.

orty-two ballots to day and this evening for United States Senator, and then, shortly after 9 o'clock to-Massey men went to James Pennewill, of Pover, and the Higgins men went to Henry A. Dupont, of Newcastle County. This ballot resulted: Henry A. Dupont (Rep.), 6; J. Edward Addicks (Rep.), 6;

9; E. W. Tunnell (Dem.), I. On the fifth ballot the Pennewill men, except Morgan, went to Dupont, making his vote twelve On the ninth ballot the first describon from Addicks occurred. Mr. Money cast his vote for Dupont, giving the Newcastle County man fourteen votes and Addicks five. At this point a recess was taken

until 2 p. m. After the Assembly reconvenient and the state teenth ballot, all the Addicks men went to William Dupont, a brother of Henry A. Dupont, and Mr. Money cast his vote for Higgins. This ballot showed as follows: H. A. Dupont, II; William Dupont, 7; Higgins, 1; Ridgely, 9; Tunnell, I.

There was very little change in this vote up to

thirty-third ballot was taken, the Higgins men cast their votes for Hiram H. Burton, and the balcast their votes for Hiram H. Burton, and the ballot resulted as follows: Burton, 8; William Dupont,
10; H. A. Dupont, 1; Ridgely, 9; Tunnell, 1. After
this nine more hallots were taken, with varying,
but small change, and the forty-second and last
builot taken to-night resulted as follows: William
Dupont, II; Burton, 7; John W. Jolls, 1; Ridgely, 9;
Tunnell, 1. Townsend voted for Representative
Jolls. The hall of the House was crowled throughout the day and this evening while the balloting
was going on, and great excitement, prevailed as it
seemed likely that an unexpected choice for Senator might be made.

## NEW-YORK, THURSDAY, MAY 9, 1895.-FOURTEEN PAGES. BOTH BILLS TO BE KILLED, TILLMAN LAWS KNOCKED OUT.

AND POLICE REORGANIZATION.

RUSSIA SAID TO HAVE AN UNDERSTANDING WITH FISHERMEN ON THE STEAMER SAY THAT A SHELL HE CONTRACTS THE DISEASE IN EXAMINING IT IS BELIEVED IN ALBANY THAT PLATT, HUGH CONSPIRED TO CARRY OUT THE AR-RANGEMENT INDICATED - OCCUR-

> Albany, May 8 .- All signs indicate that Thomas Platt, Hugh McLaughlin, of Brooklyn, and shell from one of the mortars at the proving thirty-four. He had been ill with the disease Richard Croker, of New-York, have made a "deal" for more than a year, and his case was re- to defeat the New-York Police Reorganization bill and the Greater New-York bill. At least the Reorganization bill is dead, and the Greater New-Mr. Platt's secret opposition to the Reorganization bill has long been obvious. If he sincerely favored Dr. Byron was born in Lima, Peru, on July 24, | it Senators Coggeshall and Robertson would have voted for it, and the vote of Senator Owens would | defects; that the whole laws are unconstitutional; not have been withheld yesterday, when the bill medical diploma in 1887. Afterward he went to could have been passed. Lieutenant-Governor

"We could have passed the Police Reorganization bill yesterday if Owens had not backed out. sisted Drs. H. P. Loomis and F. M. Biggs in the and said he must wait until Mayor Strong's atti-Loomis Laboratory. In 1891 and 1892, during tude regarding the Bipartisan Police bill should be disclosed. Yesterday Senator Bradley, Independtold me he would. To-day Owens is willing to service then to the city and to the country. vote for it, but Bradley has changed his mind. Dr. Byron fived with his wife and two children | We have thus lost an opportunity to pass the bill, and now I have but slight hope that we shall be

Mr. Platt's secret opposition to the Greater New-York bill, of course, is based upon the fact his chief lieutenant in Brooklyn, Jacob teriologist of the Quarantine Station after the Worth, is opposed to it, because it would diminish

The entire Brooklyn delegation in the Senate and the Assembly appears to have made a union with the Tammany Hall Senators and Platt's men in both houses against the Greater have to receive some price for their assistance.

Byron said, months ago, when he knew that he | before? Mr. Lexow also said there were rumors had contracted consumption, that he must have of "deals" and he wished therefore to advance

"Talking of 'deals," said Senator Cantor, tauntulosis, without at the time being aware of incly, "why den't you call up the Police Reorganization bill? Are you trying to make a

"In reply to that," said Senator Lexow, "I ask that this bill be considered now. I do not propose to rest under any such imputation. I would rather see the bill killed than have it made the subject of political bargains, or rest under any suspiction of such a course having been taken. The bill involves the interests of 3,000,000 people, and is far too important thus to be handed

Senator Lexow then demanded a call of the Senate, which was ordered. After an hour's delay Senator Reynolds was found, Senator Cantor then moved to lay the bill on the table until to-morrow, and the motion was carried by a vote of 17 to 14, as follows:

Yeas-Ahearn, Bradley, Cantor, Coffey, Cogges-hall, Collins, Guy McMahon, O'Donnel, O'Sulin-van, Owens, Parker, Reynolds, Rice, Sullivan, Wolf and Wolfert-17. Nays-Chilis, Donaldson, Higgins, Riburn, Lexew, Mullin, O'Connor, Parsons, Persons, Pound, Raines, Robertson, Smelzer and Stapleton-14.

The Greater New-York bill also suffered a rebuff in the Assembly. It was favorably reported by the Assembly Committee on Cities, but Mr. "Kings County is opposed to the bill in its

present shape," said Mr. Wray. "I favor consolldation, but I think we in Kings County ought to know what the tax rate will be. Give us a chance to reject the Greater New-York charter if we think it prejudicial to our interests." Mr. Hennessy said the Kings County delegation

Mr. Hennessy said the Kings County delegation were united in the demand that Brooklyn be permitted to say at the polls whether it accepted the Greater New-York charter. This was the amendment which they desired to have made. "I am in favor of consolidation," said Mr. Hennessy, "but we ought to have the chance given to the Brooklyn voter to say whether or not he approves of the proposed charter." It also am an advocate of consolidation," said Mr. Friday, "but I do not think the Assembly should pass the bill in its present shape. We want consolidation, but we don't want it without the referendum clause. Brooklyn voted hastily on this subject of consolidation last year, and she should be permitted to express her mind about a union with New-York and vote upon the

about a union with New-York and vote upon the Assemblyman Bell, of New-York, who is a Platt Republican, said this request of the Brooklyn Assemblyman for a hearing seemed to him reasonable. Mr. Haipin stuck by his Greater New-York bill, and argued foreibly that the union of New-York and Brooklyn had been decreed, and should not be prevented. He made the point, also, that some time ought to be set when the Committee on Cities should be compelled to act on the bill.

Mr. Almsworth moved that the Commit

Mr. Alasworth moved that the Committee on s should make a report on the bill on

Priday.

"This Legislature," said he, "may adjourn next week, and we ought not to permit this bill to be smothered in the Committee on Cities. We, as Republicans, it seems to me, cannot afford to repudiate the action of the people of New-York and Brooklyn in favor of consolidating these

Speaker Fish sustained Mr. Ainsworth in the

Speaker Fish sustained Mr. Ainsworth in the motion.

"The Chair trusts," he said, "that Mr. Ainsworth's motion will be adopted."

Mr. Ainsworth's motion was then adopted by a large majority. Nevertheless, the recommittal of the bill is a blow to it, with the Legislature probably ready to adjourn a week from tomorrow. If any amendment is made to the measure, its passage will be seriously imperilled. Most politicians, in view of the occurrences of to-day in the Senate and the Assembly, regard the bill as dead.

MAYORS' VETOES OVERRIDDEN. UTICA AND LONG ISLAND CITY BILLS REPASSED-

OTHER ASSEMBLY BUSINESS. Albany, May 8.—Mr. Hoeffer's two bills amend-ing the Utica Common School law were returned from Utica to-day with the approval of the School Board and Common Council, but with the disap-proval of the Mayor. Both bills were repassed by

The Mayor of Long Island City sent to the House with his disapproval the bill to omit taxes on property in Long Island City which is owned by Ainsworth, passed over the veto of the Mayor.

Ainsworth passed over the veto of the Mayor.

Speaker Fish appointed the following members on the part of the House as the Conference Committee on the Supply bill: Messrs. Ainsworth, Maiby, O'Grady, Howe and Foley.

F. F. Schulz called up his bill. Union College.

Malby, O'Grady, Howe and Foley.
P. P. Schulz called up his bill, lost on May 2, to appropriate \$25,000 for a canal between Flushing and Newtown creeks. The bill was attacked by Messrs. Fairbrother, Vacheron and Malby, and defended by Messrs. Schulz, Wray and Campbell.

The motion to reconsider was lost by a vote of

DR. J. M. BYRON DIES FROM TUBERCULAR A "DEAL" AGAINST GREATER NEW-YORK THE WHOLE STATE IN A FERMENT IN

TWO RECENT FREAKS OF LEGISLATION IN SOUTH CAROLINA DECLARED VOID BY UNITED

STATES JUDGES.

Columbia, S. C., May 8.-The decision in the registration cases of Mills against Green was read by Judge Goff in the United States Circuit Court at noon to-day. Judge Goff holds that the court has jurisdiction; that no official, State or National, is above the law; that as to the constitutionality of the Registration laws, citizens of a State are citizens of the United States residing in that State.

The plaintiff, Mills, is sustained by the decision of the court, which holds that the Registration law's requirement of certificates is not warranted by law; that the Registration law is inconstitutional in such requirements; that the Constitutional Convention act does not cure these that the proceeding is not against the State; that this court is a court of the State of South Carolina as of the United States. Judge Goff, therefore, makes the injunction permanent against the enforcement of the South Carolina Registration and Election laws.

Judge Simonton, after the excitement caused by Judge Goff's decision in the registration case was quelied, read his decision in the dispensary case of Donald against State constables, declaring that the court had jurisdiction; that the provisions of the Dispensary law were in violation of the United States Interstate Commerce law, and decreeing that "the injunction should issue as Judge Simonton then read the decision of the

ourt in the case of Dunbar against the constables in the dispensary matter, announcing that the prayer for the injunction prayed for was refused, the case not being properly in court. He then read the decision in the contempt case against Mixson, State Commissioner, saying in view of the solemn denials of Mixson he had purged himself. The same decision was rendered purged himself. The same decision was rendered as to the constables Pope and Caldwell, for contempt in the matter of the Registration law.

The entire State is in a foment to-night over the decisions of the United States Court, and no one seems able to give any idea as to what may be the probable results. The Governor no one seems able to give any idea as to what may be the probable results. The Governor asserts that he will not call the Legislature together to enact a new law. The dispensary system has been practically killed, the law being practically nullified in so far as the interestate commerce feature is concerned, and the importation of liquors into the State becomes allowable, although the Governor asserts that he will apply the test by making seizures of liquors in order to get the liquor cases into the liquor States courts.

liquors in order to get the liquor cases into the United States courts.

During the delivery of Judge Goff's decision to-day on the Registration acts the courtroom was densely crowded, including numerous negroes. After recounting the provisions of the law and the acts bearing thereon, together with the facts of the case. Judge Goff traced the negro's career from the time of slavery. He gave the history of the passage of the XIVth and XVth amendments, and declared that the negro's rights could not be abridged, helding that the law in this respect was unconstitutional. the law in this respect was unconstitutional.

The statement this compainant makes is appalling. sail Judge Goff, " and the result close on the border that divides outrage from crime."

The Constitutional Convention act cured no de-fects. The State frankly admitted that the obwas to disenfranchise as many negroes as Judge Goff was very severe on the position of the State in regarding the courts as a foreign jurisdiction. This position was as strange and wonderful to him as the story he had just heard in this case, and he consequently passed an order, as prayed for, restraining and enjoining the Supervisor of Registration as an official and in-dividually from the performance of any of the sets mentioned and complained of. The injunced and complained of. The injunc-

dispensary case, which created a profound sen-sation. It was in the case from Charleston. Reviewing the case and holding that the Court had jurisdiction, he quoted the prohibitory pro-visions of the Dispensary law, and said:

of the police power. Ann. act permits the chief dispenser to purchase in other States alcoholic liquors and to import them into this State for the purpose of sedling them, for use and consumption at retail within the State, and forbids all other persons from so purchasing and importing for their individual use and consumption it discriminates against all other citizens of the State. It also makes a discrimination against all persons in the trade in other States who are not patronized by the State Dispenser, forbiding them to seek customers within the State, and to enjoy a commercial intercourse assured to others in this State.

These conclusions rest on this discrimination, if it did not exist, and if all alcoholic liquors were excluded from the State or if all persons were forbidden to import alcohole liquors, or if the laws of South Carolina had declared that all alcoholic liquors were of such poisonous and detrimental character, and that their use and consumption as a beverage were against the morals, good health and safety of the State, other and different questions would arise.

The injunction is an ironclad one, inasmuch as it restrains all persons, under any circumstances, from interfering with the transit or importation into the State of liquors of any kind or of searching for them, or in any manner carrying out any of the provisions of the Dispensary law.

of the provisions of the Dispensary law.

Charleston, S. C. May 8 (Special)—The news of the decision of the United States Circuit Court in the decision of the United States Circuit Court in the matter of the Dispensary law was received here to-day with great rejoicing. The most odious feature of the law, which authorizes the constabulary to search private residences and confiscate contraband liquor, is declared unconstitutional by the decision. This injunction granted by the court throws a protection around all liquor bought by a citizen of South Carolina from any other State. The Federal authority protects the liquor from the time it enters the State till its owners have consumed it. This is regarded here as a vindication of the rights of the citizens against encroachment by the State authorities. The excliquor-dealers are not rejoicing so vociferously, as there is nothing in the decision restoring them their right to sell liquor, but the general bellef is that as soon as the dispensary ceases to pay a profit to the State it will be abolished.

#### HEROIC RESCUES AT A FIRE.

A COLORED TEAMSTER'S BRAVE WORK-HIS AID CAME TOO LATE, PRODABLY, TO SAVE THE SIX VICTIMS LIVES.

Italtimore. May 8.—Six persons were probably fatally burned by the explosion of a gasoline stove and the fire which followed, in a sweatshop at No. 1.424 East Pratt-st., this evening. The explosion occurred in the third story of the building, and the burning fluid flew in all directions, igniting the stocking of the invalue and the cooking of the invalue and the scoking of the scoki the clothing of the inmates and the garments upon

the burning film the inmates and the garments upon which they were at work.

But for the herole conduct of a colored teamster—Samuel Morris—who heard the frenzied appeals for help, five of the unfortunates would not have been taken alive from the garret.

Morris rushed upstairs and found the door of the sweatshop securely locked. He reached the veranda in front of the second story windows and called to the paniestricken immates of the third story to jump. One woman had already feaped from the third story window to the street, her clothing in flames. She was miraculously saved from instant death by Tom McGuigan, whose outstretched arms broke her fall.

Morris caught two others in his arms, smothered the flames in which they were enveloped, and carried them to the sidewalk. He then ran up stairs again, kicked open the door, and hauled out the prostrate forms of two men and a woman. The injured persons were quickly removed to the flatimore University Hospital.

The victims were all blive at a late hour to-night, but Dr. Glering said he did not expect any of them to recover.

## Nashville, Tenn., May 8 (Special).-The inaugura-

tion of Governor Peter Turney, Democrat, to-day in the hall of the House of Representatives was witnessed by a large crowd. The Republican and Populist members of the Senate and House did not attend the ceremony, the Republicans going to Chattanooga to call on H. Clay Evans, who was elected Governor and counted out, and the Populists leaving here for their respective homes to sread the day. PRICE THREE CENTS.

## THE INCOME TAX. A POPULAR VIEW OF THE CASE

DAVID A. WELLS SHOWS THE DANGERS OF AN AMERICAN DESPOTISM.

WHAT IS A DIRECT AND WHAT AN INDIRECT TAX?-CERTAINLY THE FRAMERS OF THE

CONSTITUTION UNDERSTOOD AN IN-COME TAX TO BE THE FORMER-SHALL CLASS DISCRIMINATION

BE ENCOURAGED?

As the point of first importance and interest in the income tax case does not seem to be fully apprehended by the general public and by not a few of the editors of leading newspapers of the country, and as the case is now again before the United States Supreme Court for reargumen and readjudication, the filing of a renewed brief before the court of the people by one not a member of the legal profession may not be unwelcome or unwarranted; more especially because minds trained in law are not thereby necessarily trained intelligently to discuss economic sub fects.

Commencing with first principles, the taxation of incomes is theoretically one of the most equitable, certain, productive and least exceptional forms of taxation. What can be fairer than that each citizen should annually contribute an equitable and just portion of his net gain or income for the support of the Government under which he lives, and in default of which support he would not be likely to have either gain, inome or property? Practically, however, as John Stuart Mill has expressed it, "the fairness which belongs to the principle of an income tax cannot be made to attach to it in practice"; and "while apparently the most just of all modes of taxation, it is in effect more unjust than many others that are prima facie more objectionable And again he says: "The tax, on whatever principles of equality it may te imposed, is in practice unequal in one of the worst ways, falling heaviest on the most conscientious," and "should be reserved as an extraordinary resource for great National emergencies, in which the necessity of a large additional revenue overrules all

Mr. Gladstone, speaking in 1853, also said: "T believe it (an income tax) does more than any other tax to demoralize and corrupt the people." And Mr. Disraeli subsequently in Parliament expressed his agreement with Mr. Gladstone by saying: "The odious features of this tax cannot by any means be removed or modified"; and with these opinions nearly all educated financiers and economists are in complete unison, except certain professors, who, educated in Germany, have come back to the United States with an idea that, because income taxes are effectively collected in countries having a despotic form of Government, they can be equally well collected in countries under a popular Government; and how far this theory finds confirmation in practical experience is shown by the fact that in 1871. only 74,778 citizens in the United States, out of a population of full 40,000,000, would confess to an income in excess of \$2,000.

#### AN OUTRAGE UPON PRIVACY.

The question next naturally arises, Why is it more difficult to collect an income tax than any other form of taxation? Why does such a tax powerfully antagonize popular sentiment, and, as Mr. Gladstone says, "demoralize and corrupt the people"? The answer is that an efficient administration and revenue productiveness of an income tax require that every person liable to such taxation in respect to his annual gains, profits or income shall make to a Government official an exhibit of the exact financial condition of his estate, business, or profession; for in default of such an exhibit any basis for assessment must be a mere matter of conjecture on the part of the assessor, with a of any pretence to correctness or equality. But such an exhibit, disclosing his financial condition to his business competitors and to & curious gossiping public, no man will willingly make; and he naturally regards it in the nature of an outrage on the part of a Government that seeks to compel him to do it. Hence the successful administration of an income tax involves and requires the use of arbitrary and inquisitorial methods and agencies which, perfectly consistent with a despotism, are entirely antagonistic to and incompatible with the principles and main-

tenance of a free government. Alexander Hamilton, who probably had more to do with the framing and adoption of the Federal Constitution than, any other one man, clearly saw the incompatibility of the employment of arbitrary and inquisitorial methods for raising revenue with a free government, and evidently did not intend that his prospective new Government should ever resort to them; for in discussing this subject of taxation in "The Constitutionalist" he expressed himself as follows; "The genius of liberty reprobates everything arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the State demands. Whatever liberty we may boast in theory, it cannot exist in fact while (arbitrary)

assessments continue." The United States Supreme Court, in the case of Boyd vs. United States (116 U. S. Rep., 631, 632), has also expressed itself in respect to & resort to arbitrary and desnotic measures by officials of the United States which are essential to an efficient administration of an income tax

Any compulsory discovery, by exterting the party's oath or compelling the production of his private books and papers to convict him of a crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman, It is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it cannot abide the pure atmosphere of political liberty and personal freedom,

### DIRECT AND INDIRECT TAXES.

The point of consideration of next importance for a clear understanding of this subject is the circumstances under which the constitutionality of the existing income tax has been called in question. Considered in the abstract, there is and can be no question that Congress has the constitutional right to enact an income tax. But as regards the provisions of any such statute as Congress has enacted, there can be no doubt that the question of constitutionality has been entirely legitimate and warranted; and in this

way: The Federal Constitution divides the taxes that Congress may impose under it into two classes, those which are direct and those which are indirect; or, as the letter of the Constitution expresses it, "duties, imposts and excises," It also provides that the former shall be apportioned, equally with representation in Congress, among the several States of the Union, according to their respective numbers, and that "no capitation or direct taxes shall be laid unless in proportion to the census"; and that the latter class of taxes shall be "uniform throughout the United States." From the beginning of the Federal Government the determination of the exact legal meaning of the word "direct" as applied in the Constitution to taxation has been one of great difficulty and embarrassment. In the first case involving this issue that came before the United States Supreme Court after the adoption of the Constitution, the Court in 1794 decided that a tax on carriages was a tax on the expenses of liv-ing that is, the use of carriages for transporta-